IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 792 (S/S) of 2006

Ram Singh Chauhan,
S/o Sri Gulab Singh,
R/o G – 8/6, Block Type II,
New Tehri,
Tehri Garhwal. **……Petitioner**

V e r s u s

1. State of Uttaranchal through Chief Engineer, Rural Engineering Service Department, Dehradun.
2. Superintending Engineering, Rural Engineering Service, Garhwal Region, Pauri.
3. Executive Engineer, Rural Engineering Service, New Tehri, Tehri Garhwal.
4. Sri Kedar Singh (Driver), Rural Engineering Service Department, Rudraprayag, District – Rudraprayag.

…….Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri A.M. Saklani, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for respondents no. 1 to 3.

By means of this writ petition, the petitioner, who is working as Driver at Tehri, has challenged the order dated 07.06.2006 passed by respondent no. 2 by which he has been transferred from Tehri to Rudraprayag. The impugned transfer order is challenged by the petition on following three grounds.

First, in pursuance to letter dated 07.04.2006, petitioner had opted for transfer either to Haridwar or Uttarkashi and in stead of transferring him to Haridwar or Uttarkashi, he has been transferred to Rudraprayag. It is not necessary to transfer the employee on a particular place for which he has opted. I don't find any force in this argument.

Second, petitioner has submitted that Sri Kedar Singh, who has now been transferred from Rudraprayag to Tehri, was serving at Tehri for a long time and he was transferred only for one year to Rudraprayag and again, he has been transferred to Tehri. From the perusal of the record, it appears that transfer of Sri Kedar Singh has been made on his own request. It may be possible that there is some family problem with Sri Kedar Singh and considering the problem of Sri Kedar Singh, he has been transferred to Tehri on his personal request.

Third, petitioner has further submitted that his children are studying at Tehri and in case, he compelled to join at Rudraprayag, he will face hardship.

The problem of children education is always with each and every employee serving in the Government department. On this ground, transfer order cannot be stayed. It is not the case of the petitioner that he has been transferred in the mid session.

Considering the aforesaid circumstances, without entering into the merits of the case, I deem it fit and proper to direct the petitioner to make representation before respondent no. 1 raising all his grievances within a period of two weeks from today and it is expected from respondent no. 1 that he / she shall take decision on the representation of the petitioner within a period of two weeks from the date of production of certified copy of this order along with representation.

With this direction the writ petition is finally disposed of. No order as costs.

(M.M. Ghildiayl, J)

June 20, 2006
SKSharma